

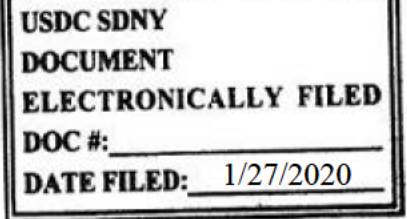
ALAN L. FRANK •*+
KYLE M. KUTZER*+
SAMANTHA A. MILLROOD*+
EVAN L. FRANK *+Δ
SUSAN B. PLINER*+
JORDAN E. FRANK *+
JACLYN H. FRANK *+Δ
JEFFREY J. GOLDIN *+
DANIEL A. ROSS *+

PARALEGALS
DEBRA E. MCGUCKIN
DEE A. WILK
DAWN M. WELSH
LISBETH LOZADA

• Certified by the NJ Supreme Court
as a Civil Trial Attorney
* MEMBER PA BAR
+ MEMBER NJ BAR
Δ MEMBER NY BAR
Δ MEMBER FL BAR
Δ REGISTERED PATENT ATTORNEY

**ALAN L. FRANK
LAW ASSOCIATES, P.C.**
Attorneys at Law

135 OLD YORK ROAD
JENKINTOWN, PA 19046
(215) 935-1000
FAX NO. (215) 935-1110



V.00000000, NJ 08093

CENTER CITY PHILADELPHIA OFFICE

1515 MARKET STREET
SUITE 1200
PHILADELPHIA, PA 19102

OF COUNSEL
DAVID M. D'ORLANDO *+
ROBERT E. BROOKMAN *+Δ

E-MAIL ADDRESS:
afrank@alflaw.net

January 27, 2020

VIA ECF

The Honorable Analisa Torres, District Judge
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

**RE: Rackwise, Inc. v. Foley Shechter Ablovatskiy, LLP, Jonathan R. Shechter,
Esquire and Alexander Ablovatskiy, Esquire
U.S.D.C., Southern District of NY, No. 19-civ-11094 (AT)**

***Initial Pretrial Conference - February 13, 2020 at 10:40 a.m.
Third adjournment request***

Dear Judge Torres:

The undersigned and this firm represent Plaintiff, Rackwise, Inc. with respect to the above captioned matter. I am writing to inform Your Honor of our attempts to serve the Defendants the Complaint and other initial documents filed with the Court. I am also writing to request an adjournment of the upcoming conference before your Honor now scheduled for February 13, 2020.

The Complaint was filed with the Court on December 4, 2019, and an Initial Pretrial Conference Order was entered on December 4, 2019, scheduling an initial pretrial conference on February 3, 2020. Plaintiff requested an adjournment of the initial pretrial conference and your Honor rescheduled same for February 13, 2020.

Since the case was docketed, our Process server has made several attempts - - but has thus far been unsuccessful - - in serving the three (3) Defendants the Complaint. I am enclosing Proofs of Service from the Process Server regarding multiple attempted service on the three (3) Defendants, as listed below:

1. Attempted service on December 19, 2019 at 10:09 a.m.:
211 E. 43rd Street, 7th Floor
New York, NY
2. Attempted service on December 26, 2019 at 1:23 p.m.:
1359 Broadway, Suite 2001
New York, NY 10018
3. Attempted service on January 16, 2020 at 4:41 p.m.:
151 W. 31st Street
New York, NY 10001

Also, the process server **“also called phone number found for defendant and spoke with Alexander Ablovaskiy, Esquire who refused to arrange to meet, refused to provide good address and said he has nothing to do with case.”**

4. Our office also sent a copy of the January 6, 2020 letter Plaintiff filed with the Court requesting a second adjournment of the Initial Pretrial Conference, scheduled for February 13, 2020, to the Defendants via first class mail, which were returned to our offices on January 23, 2020 marked **“RETURN TO SENDER, UNDELIVERABLE AS ADDRESSED, UNABLE TO FORWARD”** Copies of the two envelopes are also attached.
5. We just recently forwarded letters to the respective post offices requesting address forwarding information for the three Defendants, so that Plaintiff may attempt to locate the Defendants at their new address. However, it is also possible that in short order Plaintiff will file a Motion for Alternative Service.

Since the Defendants have not yet been served, Plaintiff is respectfully requesting that the Pretrial Conference, presently scheduled for February 13, 2020, be adjourned until a date scheduled in the latter part of March, 2020.

In addition to the foregoing, I am requesting this adjournment because I am scheduled to appear before the Honorable Wayne Saitta for a lengthy dispositive Motion Hearing on February 13, 2020 in Brooklyn, New York. That case is docketed as ***Omni Build, Inc. v. Dimver & Associates, Inc. and Reliable General Agency, Inc.***, Kings County Supreme Court, Index Number: 507368/2016.

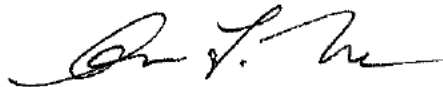
The undersigned is scheduled for trials as follows:

1. February 3-6, 2020 & February 10-11, 2020
Arbitration: TCL Acquisition Holdings, LLC v. JAACA, LLC, et al.
Case No. 01-17-0007-5625
At Blank Rome, LLP, 130 N. 18th Street, Phila., PA 19103
2. February 25-28, 2020
Jury Trial: Cornell Ardmore, LP v. Lorna Isen, No. 2015-11943
Montgomery County Courthouse, Courtroom #2
Swede & Airy Streets, Norristown, PA 19404
3. March 2-6, 2020
Jury Trial: Boyle, et al. v. TJH Automotive et al., No. CAM-l-001437-18
Camden County Superior Court, Courtroom 53
101 S. 5th Street, Camden, NJ 08103

I am also scheduled for medical procedures on February 18 and 24 and March 10, 2020.

We thank Your Honor with respect to this request.

Respectfully,




ALAN L. FRANK

GRANTED. The initial pretrial conference scheduled for February 13, 2020 is ADJOURNED to **March 16, 2020, at 10:40 a.m.** By **March 9, 2020**, the parties shall submit their joint letter and proposed case management plan.

SO ORDERED.

Dated: January 27, 2020
New York, New York



ANALISA TORRES
United States District Judge